

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SHANE MICHAEL OENNING,

No. C -14-02781(EDL)

Petitioner,

v.

KAMALA HARRIS,

Respondent.

**ORDER REQUIRING: (1)  
RESPONDENTS TO ANSWER THE  
PETITION; (2) PARTIES TO FILE  
CONSENT/DECLINATION TO  
MAGISTRATE JUDGE JURISDICTION;  
AND (3) PARTIES TO SUBMIT JOINT  
PROPOSED BRIEFING SCHEDULE  
AFTER MEETING AND CONFERRING**

Shane Michael Oenning petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on the basis that his misdemeanor conviction for violating California Vehicle Code section 23152(b) was allegedly based on evidence obtained via non-consensual blood testing in violation of the Fourth Amendment. See Missouri v. McNeely, 569 U.S. \_\_\_, 133 S.Ct. 1552 (2013).

Pursuant to Rule 4 of the Rules Governing Section 2254 Cases, the Court hereby **ORDERS** Respondents to answer the Petition.

No more than **10 days** after receipt of this Order, the Parties shall file either a Consent or Declination to proceed before a magistrate judge for all purposes, including final disposition of the matter.

No more than **21 days** after the signature date of this order, the Parties shall file a Joint Proposed Briefing Schedule for the filing of the answer and any traverse. The Parties shall meet and confer prior to submitting their Joint Proposed Briefing Schedule, and so certify in their filing. If the Parties fail to arrive upon a Joint Proposed Briefing Schedule, then Respondent's answer shall be

1 filed no more than **45 days** after the signature date of this order and the traverse, if any, shall be filed  
2 no more than **15 days** after the filing of the answer.

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4 **IT IS SO ORDERED.**

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6 Dated: August 4, 2014

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8 ELIZABETH D. LAPORTE  
9 United States Chief Magistrate Judge  
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